BILL NO. 72-08-26

GENERAL ORDINANCE NO. G-19-72

AN ORDINANCE providing for the declaration of nuisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

WHEREAS, the Central Business District of the City of Fort Wayne, Indiana consists of the area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

WHEREAS, many properties in said Central Business District are deteriorating, some of them to the point where they have been abandoned for business purposes; other buildings have been abandoned even though still structurally sound; other buildings have been damaged or destroyed as a result of fire and neither repaired or rebuilt; and

WHEREAS, the aforesaid conditions have created a physical and psychological blight which feeds on itself, becoming increasingly more severe and which is causing a deterioration in the value of properties throughout said Central Business District, with a resulting reduction in the assessed value of property for tax purposes and a decline in the number of people who visit said Central Business; and,

WHEREAS, the existence of abandoned and damaged buildings in large numbers in said Central Business District creates a haven for drug addicts, sexual perverts, thieves and derelicts; it creates a fire hazard; and, together with the existence of excavations where buildings formerly stood; it creates a danger to the safety of pedestrians and motorists; and

WHEREAS, unless checked, the aforesaid blight will eventually spread throughout said Central Business District, causing the removal from the tax rolls of properties which have in the past produced, and which continue to produce, substantial sums of tax revenue for the City of Fort Wayne and causing the said Central Business District to cease functioning as a business district which in turn would cause economic, social and cultural loss to the people of the City of Fort Wayne;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Central Business District of the City of Fort Wayne, Indiana is hereby defined as being that area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue.

APPROVED AS TO FORM AND LEGALITY,
Assistant CITY ATTORNEY

SECTION 2. Any building, and any premises which become vacant of any building but which had formerly been occupied by a building or buildings and which buildings, or which premises are situated in the aforesaid Central Business District, is, and is hereby declared to be a nuisance, if any of the following conditions obtain:

a) Such building has been damaged by fire or other casualty to such an extent that, following such fire, or other casualty, it ceased to be occupied and such building has remained unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of two years from the date of said fire, or other casualty;

b) Such building has been unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of three years;

c) Such premises remained vacant of any building for two years from the date they became vacant;

d) Provided, however, that no such building or premises shall be considered a nuisance if, the owner shall have obtained the necessary permits for the repair and/or attention of any existing structure which has been unoccupied because of damage for the demolition of any existing building and its replacement with a new building, or for the construction of a building upon any vacant premises;

e) Or if an existing building or premises is economically productive by which is meant that such building or premises is subject to a lease and that an annual rent is paid on said lease in an amount equal to 10% of the assessed value of such building or premises.

SECTION 3. In the event any building or premises shall become a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the owner, the Fort Wayne Redevelopment Commission and the Economic Development Commission of such fact and each such Commission shall have 30 days within which to determine whether it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953, as amended or the Municipal Economic Development Act of 1965, as amended. In the event either such commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination. In the event each such commission shall determine to acquire title, they shall attempt to agree between themselves which shall acquire titles. In the event no such agreement is reached within 25 days, the Redevelopment Commission shall acquire title.

SECTION 4. In the event the Fort Wayne Redevelopment Commission shall not have notified the Board of Public Works of the City of Fort Wayne, Indiana of a determination to acquire title to the real estate in question within 30 days from the day said Board of Public Works advised said Commission of the existence of a nuisance on said real estate, said Board of Public Works shall notify the owner of said real estate of the existence of a nuisance on said real estate and shall further notify the owner that the owner must take steps to abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance and hold a lien against the real estate for the cost involved.

SECTION 5. Such notice shall be sent by registered or certified mail, return receipt requested, to the address tax duplicates for said real estate are sent. In the event the owner is not at said address and the postal authorities are not appraised of a new address, the Board of Public Works shall take reasonable measures to locate the owner, including examination of the Fort Wayne city and suburban directories, that may seem appropriate and inquiry in the neighborhood. Said Board of Public Works shall also post a sign prominently upon said real estate, which sign shall give notice of the esixtence of a nuisance upon said real estate and request the owner, or anyone having knowledge of the whereabouts of the owner to contract the Board of Public Works.

SECTION 6. The owner of any real estate upon which is situated a nuisance as hereinabove described may abate the same a) by entering into a contract for the reapir and/or alteration of any existing structure which has been unoccupied because of damage; b) by entering into contracts for the demolition of any existing building and its replacement with a new building or for the landscaping of the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises; c) by entering into a contract for the construction of a new building upon any vacant premises; d) by entering into a contract for the landscaping of any vacant premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises.

SECTION 7. In the event the owner of any real estate upon which is situated a nuisance as hereinabove described shall not have abated such nuisance within 60 days of receipt of the notice provided in Section 4 hereof or within 60 days of the posting of the sign provided for in Section 5 hereof, the Board of Public Works of the City of Fort Wayne, Indiana shall proceed to abate such nuisance by demolishing any building and by landscaping the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises. It shall be the duty of said Board of Public Works to maintain such landscaping until the real estate is sold or otherwise alienated. Provided, however, that said Board of Works may extend the aforesaid 60 day period by an additional 60 days if said Board of Public Works determines that the owner of the real estate involved is making a good faith attempt to abate the nuisance upon such real estate.

SECTION 8. The Board of Public Works of the City of Fort Wayne, Indiana shall submit a bill for the labor, equipment and material used in said demolition and/or initial landscaping to the owner of the real estate involved. Thereafter said Board of Public Works shall submit a bill annually for the cost of maintaining any landscaping. If said bill is not paid within 90 days from the date of submission, said Board of Public Works shall proceed to file a lien against the property in the amount of the bill together with interest at the rate of 8% per annum and together with reasonable attorney fees which shall be used to help defray the expenses of the Law Department of the City of Fort Wayne, Indiana.

SECTION 9. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Krauss
Councilman

Read the first time in full and on motion by Kraus seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Plan Commission for recommendation) ~~(and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ the ~~day of 19~~, at ~~o'clock~~ P.M. ~~E.S.T.~~

Date: 8-22-72 Charles W. Westerman CITY CLERK

Read the third time in full and on motion by Kraus seconded by V. Schmidt and duly adopted, placed on its passage.

Passed (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
Burns		✓			
Hinga				X	
Kraus	✓				
Nuckols	✓				
Moses	✓				
Schmidt, D.		✓			
Schmidt, V.	✓				
Stier	✓				
Talarico		✓			

Date 12/12/72 Charles W. Westerman CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as ~~(Zoning Map)~~ (General) ~~(Annexation)~~ ~~(Special)~~ (Appropriation) Ordinance (~~Resolution~~) No. G-12-72 on the 12th day of December, 1972.

ATTEST: (SEAL)

Charles W. Westerman CITY CLERK John Nuckols PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman CITY CLERK

Approved and signed by me this 13th day of December, 1972 at the hour of 1:00 o'clock P. m., E.S.T.

Ivan A. Reed II MAYOR

Hold

Change of date and by you mine.

HOLD
16th 19 HAVE
BD OF WORKS
OR AUTHOR

Bill No. G-72-08-26

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance providing for the declaration of muisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS. AS AMENDED

Eugene Kraus, Jr., Chairman	Eugene Kraus.
James S. Stier Vice-Chairman	James S. Stier
William T. Hinga	
Paul "Mike" Burns	
Vivian G. Schmidt	Vivian G. Schmidt

DATE 12-12-72 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

72-66-26

SECTION 2.

(2)

~~vacant premises~~; or if an existing building or premises is economically productive by which is meant that such building or premises is subject to a lease and that an annual rent is paid on said lease in an amount equal to 10% of the assessed value of such building or premises.

SECTION 3. In the event any building or premises shall become a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the owner, the Fort Wayne Redevelopment Commission and the Economic Development Commission of such fact and each such Commission shall have 30 days within which to determine whether it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953, as amended or the Municipal Economic Development Act of 1965, as amended. In the event either such commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination. In the event each such commission shall determine to acquire title, they shall attempt to agree between themselves which shall acquire titles. In the event no such agreement is reached within 25 days, the Redevelopment Commission shall acquire title.

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Jerry Boswell, Board of Works, Chairman Date September 6, 1972

From Charles W. Westerman, City Clerk

Subject Appearance before Common Council - Committee Session

COPIES TO:

cc ordinance

RE: BILL NO. G-72-08-26

AN ORDINANCE proving for the declaration of nuisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

Your appearance is requested on ~~September 19, 1972~~, at 7:00 o'clock P.M., ~~Room 122, by the members of the Common Council~~ and the Standing Committee on Regulations on behalf of the above GENERAL ORDINANCE.

You are to report to the Clerk's office and stand ready for the Common Council Committee Session and to explain the above ordinance.

It is also requested that you have and bring forth any material that will help the council in its findings regarding the above ordinance.

Please Note:

Common Council will be in recess September 19, 1972 due to the Convention of the Indiana Association of City and Towns.
This meeting is rescheduled for September 26, 1972 at 7:00 P.M. at Forest Park School, 2004 Alabama Avenue.

COPY

CALHOUN PRESS

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Jerry Boswell, Board of Works, Chairman Date September 6, 1972

From Charles W. Westerman, City Clerk

Subject Appearance before Common Council - Committee Session

COPIES TO:

RE: BILL NO. G-72-08-26

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You are to report to the Clerk's office and stand ready for the Common Council Committee Session and to explain the above ordinance.

It is also requested that you have and bring forth any material that will help the council in its findings regarding the above ordinance.

Respectfully yours,

Charles W. Westerman
City Clerk

COPY

CALHOUN PRESS

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

	BILL NO. A 72-08-26
	ORDINANCE NO. G-19-72
X	REGULAR SESSION 12-12-72
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY L Ryan
	BILL WRITTEN BY
	DATE INTRODUCED 8-22-72
	REFERRED TO SAID STANDING COMMITTEE Kraus. Regulations
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
	HOLD FILE
X	PASS 12-12-72
	DO NOT PASS
	WITHDRAWN
	SUSPENSION OF RULES
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

CONTENTS OF ORDINANCE

X	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES 5	NAYS 3	ABSENT 1
BURNS		X	
HINGA			X
KRAUS	X		
MOSES	X		
NUCKOLS	X		
D. SCHMIDT		X	
V. SCHMIDT	X		
STIER	X		
TALARICO		X	

COMMENTS:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 30, 19 72

Arvilla DeWald

Title CLERK

Legal Notices

Notice is hereby given that on the 12th day of December, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-72-08-26 General Ordinance, to-wit:

BILL NO. 72-08-26

GENERAL ORDINANCE NO. G-19-72

AN ORDINANCE providing for the declaration of nuisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

Whereas, the Central Business District of the City of Fort Wayne, Indiana consists of the area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

Whereas, many properties in said Central Business District are deteriorating, some of them to the point where they have been abandoned for business purposes; other buildings have been abandoned even though still structurally sound; other buildings have been damaged or destroyed as a result of fire and neither repaired or rebuilt; and

Whereas, the aforesaid conditions have created a physical and psychological blight which feeds on itself, becoming increasingly more severe and which is causing a deterioration in the value of properties throughout said Central Business District, with a resulting reduction in the assessed value of property for tax purposes and a decline in the number of people who visit said Central Business; and,

Whereas, the existence of abandoned and damaged buildings in large numbers in said Central Business District creates a haven for drug addicts, sexual perverts, thieves and derelicts; it creates a fire hazard and, together with the existence of excavations where buildings formerly stood; it creates a danger to the safety of pedestrians and motorists; and

Whereas, unless checked, the aforesaid blight will eventually spread throughout said Central Business District, causing the removal from the tax rolls of properties which have in the past produced, and which continue to produce, substantial sums of tax revenue for the City of Fort Wayne and causing the said Central Business District to cease functioning as a business district which in turn would cause economic, social and cultural loss to the people of the City of Fort Wayne;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYUNE, INDIANA:

SECTION 1. The Central Business District of the City of Fort Wayne, Indiana is hereby defined as being that area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue.

SECTION 2. Any building, and any premises which become vacant of any building but which had formerly been occupied by a building or buildings and which buildings, or which premises are situated in the aforesaid Central Business District, is, and is hereby declared to be a nuisance, if any of the following conditions obtain:

a) Such building has been damaged by fire or other casualty to such an extent that, following such fire, or other casualty, it ceased to be occupied and such building has remained unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of two years from the date of said fire, or other casualty;

b) Such building has been unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of three years;

c) Such premises remained vacant of any building for two years from the date they became vacant;

d) Provided, however, that no such building or premises shall be considered a nuisance if, the owner shall have obtained the necessary permits for the repair and/or attention of any existing structure which has been unoccupied because of damage for the demolition of any existing building and its replacement with a new building, or for the construction of a building upon any vacant premises;

e) Or if an existing building or premises is economically productive by which is meant that such building or premises is subject to a lease and that an annual rent is paid on said lease in an amount equal to 10 per cent of the assessed value of such building or premises.

SECTION 3. In the event any building or premises shall become a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the owner, the Fort Wayne Redevelopment Commission and the Economic Development Commission of such fact and each such Commission shall have 30 days within which to determine whether it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953, as amended or the Municipal Economic Development Act of 1965, as amended, in the event either such commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination. In the event each such commission shall determine to acquire title, they shall attempt to agree between themselves which shall acquire titles. In the event no such agreement is reached within 25 days, the Redevelopment Commission shall acquire title.

SECTION 4. In the event the Fort Wayne Redevelopment Commission shall not have notified the Board of Public Works of the City of Fort Wayne, Indiana of a determination to acquire title to the real estate in question within 30 days from the day said Board of Public Works advised said Commission of the existence of a nuisance on said real estate, said Board of Public Works shall notify the owner of said real estate of the existence of a nuisance on said real estate and shall further notify the owner that the owner must take steps to abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance within 60 days from the date of receipt of the notice and that, if the owner fails to do so, said Board of Public Works shall itself abate the nuisance and hold a lien against the real estate for the cost involved.

SECTION 5. Such notice shall be sent by registered or certified mail, return receipt requested, to the address tax duplicates for said real estate are sent. In the event the owner is not at said address and the postal authorities are not appraised of a new address, the Board of Public Works shall take reasonable measures to locate the owner, including examination of the Fort Wayne city and suburban directories, that may seem appropriate and inquiry in the neighborhood. Said Board of Public Works shall also post a sign prominently upon said real estate, which sign shall give notice of the existence of a nuisance upon said real estate and request the owner, or anyone having knowledge of the whereabouts of the owner to contact the Board of Public Works.

SECTION 6. The owner of any real estate upon which is situated a nuisance as hereinabove described may abate the same a) by entering into a contract for the repair and/or alteration of any existing structure which has been unoccupied because of damage; b) by entering into contracts for the demolition of any existing building and its replacement with a new building or for the landscaping of the premises in a man-

Legal Notices

of December, 1972 at the hour of 1:00 o'clock P.M., E.S.T.

IVAN H. LEBEMOFF, MAYOR

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-72 passed by the Common Council on the 12th day of December, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of December, 1972 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of December, 1972.

CHARLES W. WESTERMAN, CITY CLERK.

12—16-26

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA aforesaid, and that the printed matter attached hereto is a true copy, published in said paper for 2 time S, the dates of publication being

December 18, 1972
December 26, 1972

Arvilla DeWald

Sworn to before me this 30th day of December 19 72

Notary Public

My commission expires October 25, 1975

(Continued)

e) Or if an existing building or premises is economically productive by which is meant that such building or premises is subject to a lease and that an annual rent is paid on said lease in an amount equal to 10 per cent of the assessed value of such building or premises.

SECTION 3. In the event any building or premises shall become a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the owner, the Fort Wayne Redevelopment Commission and the Economic Development Commission of such fact and each such Commission shall have 30 days within which to determine whether it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953, as amended or the Municipal Economic Development Act of 1965, as amended. In the event either such commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination. In the event each such commission shall determine to acquire title, they shall attempt to agree between themselves which shall acquire titles. In the event no such agreement is reached within 25 days, the Redevelopment Commission shall acquire title.

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SECTION 8. The Board of Public Works of the City of Fort Wayne, Indiana shall submit a bill for the labor, equipment and material used in said demolition and/or initial landscaping to the owner of the real estate involved. Thereafter said Board of Public Works shall submit a bill annually for the cost of maintaining any landscaping. If said bill is not paid within 90 days from the date of submission, said Board of Works shall proceed to file a lien against the property in the amount of the bill together with interest at the rate of 8 per cent per annum and together with reasonable attorney fees which shall be used to help defray the expenses of the Law Department of the City of Fort Wayne, Indiana.

SECTION 9. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

EUGENE KRAUS,
Councilman.

Read the third time in full and on motion by Kraus, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed by the following vote:

Ayes, five, to wit: Kraus, Nuckols, Moses, V. Schmidt, Stier.

Nays, three, to-wit:
Burns, Schmidt, D., Talarico.

Absent, one, to-wit: Hinga.

Dated: 12-11-72.

CHARLES W. WESTERMAN,
CITY CLERK.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-72, on the 12th day of December, 1972.

ATTEST: (SEAL)
CHARLES W. WESTERMAN,
CITY CLERK.

JOHN NUCKOLS,
PRESIDING OFFICER.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1972, at the hour of 10:00 A.M., E.S.T.

CHARLES W. WESTERMAN,
CITY CLERK.

Approved and signed by me this 13th day

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
Head	number of lines	-
Body	number of lines	300
Tail	number of lines	1
	Total number of lines in notice	301

COMPUTION OF CHARGES

301 lines, columns wide equals equivalent lines at .288¢ cents per line		$ 86.69
Additional charge for notices containing rule or tabular work (50 per cent of above amount)		
Charge for extra proofs of publication (50 cents for each proof in excess of two)	(2)	1.00
TOTAL AMOUNT OF CLAIM		$ 87.69

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date December 30, 19 72 — Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA aforesaid, and that the printed matter attached hereto is a true copy, which was published in said paper for 2 time s, the dates of publication being

December 18, 1972
December 26, 1972

Arvilla DeWald

Sworn to before me this 30th day of December 19 72

Notary Public

My commission expires October 25, 1975

Legal Notices

December, 1972 at the hour of 1:00 o'clock P.M., E.S.T.
IVAN H. LEBEMOFF
MAYOR

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-72 passed by the Common Council on the 12th day of December, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of December, 1972 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of December, 1972.

CHARLES W. WESTERMAN,
CITY CLERK.

12-18-26

Number of insertions: 2 Size of quad upon which type is cast: 2 2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date December 30, 19 72

A. M. Hostetter

Title Clerk

Legal Notices

Notice is hereby given that on the 12th day of December, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-72-08-26 General Ordinance, to-wit:

BILL NO. 72-08-26

GENERAL ORDINANCE NO. G-19-72

AN ORDINANCE providing for the declaration of nuisances in the case of abandoned, damaged buildings and vacant lots in the Central Business District and providing for abatement of the same.

Whereas; the Central Business District of the City of Fort Wayne, Indiana consists of the area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue; and

Whereas; many properties in said Central Business District are deteriorating, some of them to the point where they have been abandoned for business purposes; other buildings have been abandoned even though still structurally sound; other buildings have been damaged or destroyed as a result of fire and neither repaired or rebuilt; and

Whereas, the aforesaid conditions have created a physical and psychological blight which tends on itself, becoming increasingly more severe and which is causing a deterioration in the value of properties throughout said Central Business District, with a resulting reduction in the assessed value of property for tax purposes and a decline in the number of people who visit said Central Business; and,

Whereas, the existence of abandoned and damaged buildings in large numbers in said Central Business District creates a haven for drug addicts, sexual perverts, thieves and derelicts; it creates a fire hazard; and, together with the existence of excavations where buildings formerly stood; it creates a danger to the safety of pedestrians and motorists; and

Whereas, unless checked, the aforesaid blight will eventually spread throughout said Central Business District, causing the removal from the tax rolls of properties which have in the past produced, and which continue to produce, substantial sums of tax revenue for the City of Fort Wayne and causing the said Central Business District to cease functioning as a business district which in turn would cause economic, social and cultural loss to the people of the City of Fort Wayne;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Central Business District of the City of Fort Wayne, Indiana is hereby defined as being that area bounded on the north by Superior Street, on the east by Clay Street, on the south by the Penn Central Railroad embankment and on the west by Fairfield Avenue.

SECTION 2. Any building, and any premises upon which become vacant of any building but which had formerly been occupied by a building or buildings any which buildings, or which premises are situated in the aforesaid Central Business District, is and is hereby declared to be a nuisance, if any of the following conditions obtain:

a) Such building has been damaged by fire or other casualty to such an extent that, following such fire, or other casualty, it ceased to be occupied and such building has remained unoccupied except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of two years from the date of such fire, or casualty; and

b) Such building has been unoccupied (except as it may have been occupied by persons seeking shelter on a day to day basis) for a period of three years;

c) Such premises remained vacant of any building for two years from the date they became vacant;

d) Provided, however, that no such building or premises shall be considered a nuisance if, the owner shall have obtained the necessary permits for the repair and/or attention of any existing structure which has been unoccupied because of damage for the demolition of any existing building and the replacement with a new building, or for the construction of a building upon any vacant premises;

e) Or if an existing building or premises is economically productive by which is meant that such building or premises is subject to a lease agreement that an annual rent is paid on said lease in an amount equal to 10 per cent of the assessed value of such building or premises.

SECTION 3. In the event any building or premises exist which is a nuisance as herein provided, the Board of Public Works of the City of Fort Wayne, Indiana shall advise the owner, the Fort Wayne Redevelopment Commission and the Economic Development Commission of such fact and each such Commission shall have 30 days within which to determine if it will acquire title to the real estate in question pursuant to the provisions of the Redevelopment of Cities and Towns Act of 1953, as amended or the Municipal Economic Development Act of 1965, as amended. In the event either such commission shall determine to acquire title, it shall immediately notify the Board of Public Works of such determination. In the event each such commission shall determine not to acquire title, they shall attempt to agree between themselves which shall acquire titles. In the event no such agreement is reached within 25 days, the Redevelopment Commission shall acquire title.

SECTION 4. In the event the Fort Wayne Redevelopment Commission shall not have notified the Board of Public Works of the City of Fort Wayne, Indiana of a determination to acquire title to the real estate in question within 30 days from the date the Board of Public Works advised said Commission of the existence of a nuisance on said real estate, said Board of Public Works shall notify the owner of said real estate of the existence of a nuisance on said real estate and shall further notify the owner that the owner must take steps to abate the nuisance within 60 days from the date of receipt of the notice and that if the owner fails to do so, said Board of Public Works shall itself abate the nuisance within 60 days from the date of receipt of the notice and that if the owner fails to do so, said Board of Public Works shall itself abate the nuisance and hold a lien against the real estate for the cost involved.

SECTION 5. Such notice shall be sent by registered or certified mail, return receipt requested, to the address tax duplicate for said real estate are sent. In the event the owner is not at said address and the postal authorities are not appraised of a new address, the Board of Public Works shall take reasonable measures to locate the owner, including examination of the Fort Wayne Telephone Directories, that may seem appropriate and inquiry in the neighborhood. The Board of Public Works shall also post a sign prominently upon said real estate, which sign shall give notice of the existence of a nuisance upon said real estate, requiring the owner, or anyone having knowledge of the whereabouts of the owner to call at the Board of Public Works.

SECTION 6. The owner of any real estate upon which is situated a nuisance as hereinabove described may abate the same at any time by entering into contract for the repair and/or alteration of any existing structure which has been unoccupied because of damage; b) by entering into contracts for the demolition of any existing building and its replacement with a new building or for the landscaping of the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises; c) by entering into a contract for the construction of a new building upon any vacant premises; d) by entering into a contract for the landscaping of any vacant premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises.

SECTION 7. In the event the owner of any real estate upon which is situated a nuisance as hereinabove described shall not have abated such nuisance within 60 days of receipt of the notice provided in Section 4 hereof or within 60 days of the posting of the sign provided for in Section 5 hereof, the Board of Public Works of the City of Fort Wayne, Indiana, shall proceed to abate such nuisance by demolishing any building and by landscaping the premises in a manner which will remove any hazard to the safety of pedestrians and motorists and which will remove all physical blight from the premises. It shall be the duty of the Board of Public Works to maintain such landscaping until the real estate is sold or otherwise disposed. Provided, however, that said Board of Works may extend the aforesaid 60 day period by an additional 60 days if said Board of Works shall determine that the owner of the real estate involved is making a good faith attempt to abate the nuisance upon such real estate.

SECTION 8. The Board of Public Works of the City of Fort Wayne, Indiana shall submit a bill for the labor, equipment and material used in said demolition and/or initial landscaping to the owner of the real estate involved. Thereafter said Board of Public Works shall submit a bill annually for the cost of maintaining any landscaping. If said bill is not paid within 90 days from the date of submission, said Board of Works shall proceed to file a lien against the property in the amount of the bill together with interest at the rate of 8 per cent per annum and together with reasonable attorney fees which shall be used to help defray the expenses of the Law Department of the City of Fort Wayne, Indiana.

SECTION 9. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be invalid or invalidly by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

EUGENE KRAUS,
Chairman

Read the third time in full and on motion by Kraus, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed by the following vote:

Ayes, five, to wit: Kraus, Nuckols, Moses, V. Schmidt, Stier.
Nays, three, to wit:
Burns, Schmidt, D., Talarico.
Absent, one, to wit: Hinga
Dated: 12-12-72.

CHARLES W. WESTERMAN,
CITY CLERK.

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-19-72, on the 12th day of December, 1972.
ATTEST: (SEAL)
CHARLES W. WESTERMAN,
CITY CLERK.

JOHN NUCKOLS,
PRESIDING OFFICER.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1972, at the hour of 10:00 A.M., E.S.T.

CHARLES W. WESTERMAN,
CITY CLERK.

Approved and signed by me this 13th day of December, 1972 at the hour of 1:00 o'clock P.M., E.S.T.

IVAN H. LEBEMOFF,
MAYOR

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-19-72 passed by the Common Council on the 12th day of December, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 13th day of December, 1972 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 13th day of December, 1972.

CHARLES W. WESTERMAN,
CITY CLERK.

12-18-26

Subscribed and

My commission

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head number of lines		-
Body number of lines		300
Tail number of lines		1
Total number of lines in notice		301

COMPUTION OF CHARGES

301 lines, columns wide equals equivalent lines at .288¢ cents per line		$ 86.69
Additional charge for notices containing rule or tabular work (50 per cent of above amount)		
Charge for extra proofs of publication (50 cents for each proof in excess of two)	(2)	1.00
TOTAL AMOUNT OF CLAIM		$ 87.69

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date December 30, 19 72 — Title Clerk


Legal Notices

Notice is hereby
day of December, 19
cil of the City of Ft
e Regular Session
6-72-8.2) General

Of Prussia

'S AFFIDAVIT

ss:

red before me, a notary public in and for said county and state, the A. M. Hostman who, being duly sworn, says is Clerk of the NEWS-SENTINEL DAILY newspaper of general circulation printed and published in the English language in the city {town} of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

December 18, 1972
December 26, 1972

A. M. Hostman

Subscribed and sworn to before me this 30th day of December 19 72

James C. Rolnik
Notary Public

My commission expires October 25, 1975